

BILL NO.

Introduced by

Representative Kasper

1 A BILL for an Act to amend and reenact section 54-35-02.4 of the North Dakota Century Code,
2 relating to the powers and duties of the employee benefits programs committee.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 54-35-02.4 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-35-02.4. Employee benefits programs committee - Powers and duties.**

7 1. The employee benefits programs committee shall ~~consider and report on those~~
8 ~~legislative measures and proposals over which it takes jurisdiction and which~~
9 ~~affect~~take jurisdiction over each legislative measure and proposal that would affect,
10 actuarially or otherwise, the retirement programs of state employees or employees of
11 any political subdivision, and health and retiree health plans of state employees or
12 employees of any political subdivision. The committee shall ~~make a thorough review of~~
13 ~~any measure or proposal which it takes under its jurisdiction, including~~cause to be
14 conducted an actuarial review of each legislative measure or proposal over which the
15 committee takes jurisdiction. ~~The committee shall take jurisdiction over any~~If the
16 legislative measure or proposal thatover which the committee takes jurisdiction
17 authorizes an automatic increase or other change in retirement, health, or retiree
18 health plan benefits beyond the ensuing biennium which would not require legislative
19 approval.~~The, the actuarial report of the~~ committee must include ~~in the report of the~~
20 ~~committee~~ a statement that the proposal or measure would allow future changes
21 without legislative ~~involvement~~approval.

22 2. The committee shall:

- 1 a. Receive notice from the board of trustees of the teachers' fund for retirement of
- 2 necessary or desirable changes in statutes relating to the administration of the
- 3 teachers' fund for retirement fund as provided for under section 15-39.1-05.2.
- 4 b. Receive an annual report from the board of trustees of the teachers' fund for
- 5 retirement regarding the annual test of actuarial adequacy of statutory
- 6 contribution as provided for under section 15-39.1-10.11.
- 7 c. Consider whether to approve terminology adopted by the board of trustees of the
- 8 teachers' fund for retirement to comply with applicable federal statutes or rules as
- 9 provided for under section 15-39.1-35.
- 10 d. Receive notice from firefighters relief associations of an association's intent to
- 11 provide a substitution monthly service pension as provided for under section
- 12 18-11-15.
- 13 e. Consider whether to approve terminology adopted by the public employees
- 14 retirement system retirement board to comply with federal requirements as
- 15 provided for under sections 39-03.1-29, 54-52-23, and 54-52.1-08.2.
- 16 f. Study measures and proposals referred to it by the legislative assembly or the
- 17 legislative management.
- 18 g. Make a biennial report its findings and recommendations, along with any
- 19 necessary legislation, to the legislative management and to the legislative
- 20 assembly.
- 21 ~~2.3.~~ To carry out its responsibilities, the committee, or its designee, may:
- 22 a. Enter contracts, including retainer agreements, with an actuary or actuarial firm
- 23 for expert assistance and consultation. Each retirement, insurance, or retiree
- 24 insurance program shall pay, from ~~its~~that program's retirement, insurance, or
- 25 retiree health benefits fund, as appropriate, and without the need for a prior
- 26 appropriation, the cost of any actuarial report required by the committee which
- 27 relates to that program.
- 28 b. Call on personnel from state agencies or political subdivisions to furnish such
- 29 information and render such assistance as the committee may from time to time
- 30 request.

- 1 c. Establish rules for its operation, including the submission and review of proposals
2 and the establishing of standards for actuarial review.
- 3 ~~3.4.~~ The committee may solicit draft legislative measures and proposals from interested
4 persons during the interim between legislative sessions, and also may ~~also study~~ solicit
5 draft legislative measures and proposals referred to it ~~by~~ from the legislative assembly
6 ~~or~~ and the legislative management.
- 7 ~~4.~~ A copy of the committee's report concerning any
- 8 ~~5.~~ If a legislative measure shall, if that measure or proposal over which the committee
9 took jurisdiction is introduced for consideration by a legislative assembly, ~~be appended~~
10 ~~to the copy of the legislative council shall append a copy of the actuarial report to that~~
11 ~~measure which is referred to a standing committee.~~
- 12 ~~5.6.~~ A legislative measure or proposal affecting a public employees retirement program,
13 public employees health insurance program, or public employee retiree health
14 insurance program may not be introduced in either house unless it is accompanied by
15 an actuarial report from the committee. A majority of the members of the committee,
16 acting through the chairman, has sole authority to determine whether any legislative
17 measure or proposal affects a program; however, the committee may delegate this
18 authority to the chairman and vice chairman.
- 19 ~~6.7.~~ Any amendment made by a standing committee, conference committee, or chamber of
20 the legislative assembly during a legislative session to a legislative measure
21 affecting which a majority of the members of that standing committee, conference
22 committee, or chamber determine affects a public employees retirement program,
23 public employees health insurance program, or public employee retiree health
24 insurance program may not be considered by ~~at~~ that standing committee, conference
25 committee, or chamber unless ~~it~~ the amendment is accompanied by an actuarial
26 report from the employee benefits programs committee.
- 27 ~~7.~~ Any legislation enacted in contravention of this section is invalid and of no force and
28 effect, and any benefits provided under such legislation must be reduced to the level
29 current prior to enactment.